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August 19, 2022

**By FOIAonline.gov**

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

Re: Request for Agency Records

To Whom It May Concern,

On behalf of RCD Performance and Mr. Joshua Davis, we respectfully request the agency records listed below pursuant to the Freedom of Information Act.

Requested Agency Records

1. Any civil judicial complaints filed by the U.S. Department of Justice, Environment & Natural Resources Division, Environmental Enforcement Section (“EES”), in U.S. District Courts that allege claims under the Responsible Corporate Officer doctrine pursuant to the Clean Air Act.
2. Any written communication, including, but not limited to, email, text, chat, or handwritten notes that refer to the party affiliation, political views, political donations, and/or government position of Joshua Davis, including, but not limited to, any agency records that refer to Mr. Davis’ support for any politician, U.S. President, U.S. Senator, U.S. Congressman, and/or state or local politician.
3. Any email, text, chat or other written communication to or from Adam Kushner regarding River City Diesel, Midwest Truck and 4WD Center, LLC, and RCD Performance, and Joshua Davis (collectively “River City Entities” or “RCD”).
4. Any civil inspection report of RCD.
5. Any approval memo authorizing the filing of a civil judicial complaint against RCD.

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EPA National FOIA Office

Page 2

6. Any draft press releases regarding potential litigation against RCD.
7. Any litigation hold or suspension order for EES regarding the preservation of potentially relevant information that may be relevant to the anticipated litigation against RCD, including any tangible thing such as physical materials, documents and ESI.
8. Any litigation hold or suspension order for the U.S. EPA, Office of Enforcement & Compliance Assurance, Air Enforcement Division (“AED”) regarding the preservation of potentially relevant information that may be relevant to the anticipated litigation against River City Entities, including any tangible thing such as physical materials, documents and ESI.
9. Any litigation hold or suspension order for the U.S. EPA, Office of Air & Radiation (“OAR”) regarding the preservation of potentially relevant information that may be relevant to the anticipated litigation against River City Entities, including any tangible thing such as physical materials, documents and ESI.
10. Any litigation hold or suspension order for EPA Region 5 located in Chicago, Illinois regarding the preservation of potentially relevant information that may be relevant to the anticipated litigation against River City Entities, including any tangible thing such as physical materials, documents and ESI.
11. Any litigation hold or suspension order for the following EPA Regions regarding the preservation of potentially relevant information that may be relevant to the anticipated litigation against River City Entities, including any tangible thing such as physical materials, documents and ESI:
  - a. EPA Region 1;
  - b. EPA Region 2;
  - c. EPA Region 3;
  - d. EPA Region 4;
  - e. EPA Region 6;
  - f. EPA Region 7;
  - g. EPA Region 8;
  - h. EPA Region 9; and
  - i. EPA Region 10.

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EPA National FOIA Office

Page 3

Likely Custodians: Custodians for the requested agency records likely reside in the U.S. EPA, Office of Enforcement & Compliance Assurance, Air Enforcement Division (“AED”) and EPA Region 5, including, but not limited to:

- Mark Palermo;
- Ethan Chatfield;
- Andre Daugavietis; and
- Sarah Clark.

Search Costs. We will pay reasonable search and production costs and authorize up to \$500 without further approval. Should search and production costs exceed \$500, please confer with my colleague Hannah Posen (who is copied) before incurring the costs.

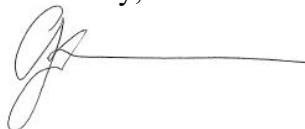
Personal Devices. The requested agency records include any information stored on official computers, phones, and other devices, as well as personal devices used to transmit agency records.

Segregable Information and Vaughn Index. To the extent any responsive agency record contains privileged information or other information subject to a FOIA exemption, we request production of any reasonable segregable information along with an accompanying Vaughn Index.

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Thank you for your prompt attention to this matter within the required 21 days. If you have any questions concerning this request, please do not hesitate to contact me at (202) 736-8853 or [jsavage@sidley.com](mailto:jsavage@sidley.com), or Hannah Posen at (312) 853-0701 or [hposen@sidley.com](mailto:hposen@sidley.com).

Sincerely,

A handwritten signature in dark ink, appearing to be 'JA' followed by a long horizontal line.

Justin A. Savage  
Partner

CC (via email):  
Hannah Posen